These remarks are made responsive to the non-final office action mailed July 11, 2007. Claims 1, 4, 8-10, 14, 22 and 25 have been amended. Claims 16-21 and claims 26-34 have been cancelled.

35 U.S.C. § 112

Claims 1-9 were rejected under 35 U.S.C. 112, second paragraph. The action indicated that for claims 1-9 there was insufficient antecedent basis for the limitation "the requested subparts" in the claim. Similarly, the action stated that there was insufficient antecedent basis for the limitation "the accessed subparts."

"A plurality of subparts" is first introduced in the claim. Next comes "receiving a plurality of data requests from a plurality of participants requesting different ones of the subparts." "The requested" is used to succinctly indicate reference back to these "different ones of the subparts" that were requested in the data requests. Similarly, in claim 2, a process of "accessing random subparts" is performed and these accessed subparts are referred to as "the accessed subparts." Applicant respectfully asserts that this construction is a common English usage for efficiently referencing items that went through a process.

It is respectfully requested that the objections be withdrawn.

35 U.S.C. 103(a)

Claims 1-34 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kalra et al. 6,490,627 (hereafter "Kalra") in view of US Pub. No. 2004/0070786 Molteno (hereafter "Molteno").

The pending claims are now claims 1-15 and 22-25. Claims 1, 4, 8-10, 14, 22 and 25 have been amended. Claims 16-21 and claims 26-34 have been cancelled.

Claim 1 has been amended to clarify the invention and reproduced here for convenience:

> A communications method in an interactive session comprising:
> arranging scalable media data into data structures formatted in
> accordance with a content independent indexable data structure format
> including one or more fields indicating a level of scalability;
> organizing the arranged scalable media data in a bit stream in which a
> plurality of levels of scalability of the scalable media data coexist
> providing scalable media data;

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organizing the scalable media data into a plurality of subparts;
~~providing~~ <u>receiving</u> a plurality of data requests from a plurality of
participants requesting different ones of the subparts during user
interaction with the media data<u>, wherein at least two of the participants</u>
<u>support different levels of scalability for the media data</u>;
~~after the providing the data requests, scaling respective ones of the~~
~~requested subparts of the scalable media data according to receiving~~
~~attributes of the respective participants~~
<u>retrieving from the bit stream using the format of the content</u>
<u>independent indexable data structures respective ones of the requested</u>
<u>subparts at levels of scalability corresponding to receiving attributes of</u>
<u>the respective participants</u>; and

communicating the ~~scaled~~ subparts <u>at the retrieved levels of scalability</u>
to respective ones of the participants.

The combination of Kaltra in view of Molteno fails to make unpatentable the pending claims. Neither reference discloses or suggests "arranging scalable media data into data structures formatted in accordance with a content independent indexable data structure format including one or more fields indicating a level of scalability." Being able to organize data in accordance with scalability independent of the content is not disclosed in either of these references. For example Kaltra discusses its invention in the context of the MPEG standard. The invention of claim 1 does not need to concern itself with an aspect of the content such as whether it is being encoded in the MPEG standard or not. For example, as further described in amended dependent claims 4, 8, and 9, "transcoding operations can be performed without knowledge of the data content, for example without having to decrypt or decode the media data."

In line with this, "retrieving from the bit stream using the format of the *content independent indexable data structures* [emphasis added] respective ones of the requested subparts at levels of scalability corresponding to receiving attributes of the respective participants" is also not disclosed or suggested by the combination of Kaltra in view of Molteno.

The arguments with respect to claim 1 are applicable for illustrating why its dependent claims are also patentable over this combination.

The arguments with respect to claim 1 are applicable for illustrating why the other pending independent claims 10 and 22 and their respective dependent claims are also patentable over this combination.

Conclusion

In light of the arguments and amendments presented above, the pending claims as amended are in condition for allowance, and applicants respectfully request a prompt notice of allowance.

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Debargha Mukherjee et al.

Eileen Lehmann

Eileen Lehmann
Registration No. 39,272
Hewlett-Packard Company
Mail Stop 1197
1501 Page Mill Road
Palo Alto, CA 94304
650-857-7940 (telephone)
650-852-8063 (fax)